

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

BOBBY JOE SMITH, II,)
)
)
Plaintiff,)
)
vs.) NO. CIV-17-0065-C
)
)
STATE OF OKLAHOMA,)
GARY BROWN, Assistant District)
Attorney, and JOHN WALTON,)
Assistant District Attorney,)
)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Suzanne Mitchell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Mitchell entered a Report and Recommendation on March 3, 2017, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The facts and relevant law are set out in full in the accurate and well-reasoned Report and Recommendation of the Magistrate Judge and there is no purpose to be served in repeating them yet again. In his objection, Plaintiff merely restates the merits of his claims and does not, in any meaningful way, refute the application of Heck v. Humphrey, 512 U.S. 477 (1994), as a bar to his current claims.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation (Dkt. No. 11) of the Magistrate Judge, and for the reasons announced therein, this action is dismissed without prejudice. A Judgment will enter accordingly.

IT IS SO ORDERED this 17th day of March, 2017.



ROBIN J. CAUTHRON
United States District Judge